

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)
)
EAGLE PROPERTIES AND) Bankruptcy Case
INVESTMENTS, LLC,) No. 23-10566-KHK
) Chapter 7
Debtor.)
)

**SECOND ORDER APPROVING SALE OF 1010 LYNN ST., SW, VIENNA, VA FREE
AND CLEAR OF LIENS, CLAIMS AND INTERESTS PURSUANT TO 11 U.S.C. § 363(f)**

UPON CONSIDERATION of the second motion (Docket No. 534) ("Motion") of H. Jason Gold, chapter 7 trustee ("Trustee"), to approve the sale of the property commonly known as 1010 Lynn St., SW, Vienna, VA ("Property"); and it appearing that proper and adequate notice of the Motion has been given and that no further notice is necessary; and it appearing that the sale of the Property as set forth in the Motion is in the best interest of the estate and its creditors, and it further appearing that based upon the endorsements of counsel set forth below that Shore United Bank, Gus Goldsmith and Bala Jain; LLC have consented to the sale of the Property as set forth herein, free and clear of all liens claims and interests, accordingly:

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Trustee is authorized to sell the Property¹ to Katherine C. Koczyk-Scripka or

¹ Having the following legal description:

her successor(s) as Trustee of the Katherine C. Koczyk-Scripka Revocable Trust, dated June 18, 1999 (the "Purchaser") for \$782,500.00 consistent with the sales contract attached to the Motion as Exhibit A.

3. The Trustee is authorized to pay the secured claim of Shore United Bank, N.A. in full at closing as set forth in the draft ALTA attached hereto as Exhibit A ("ALTA").

4. The Trustee is authorized to pay the secured claim of Gus Goldsmith in the amount of \$100,000.00 consistent with the ALTA. Gus Goldsmith's consent to this sale and release of liens is conditioned upon receipt of an additional \$10,000.00 resulting from the forfeited deposit on the prior sale of the Property.

5. At closing, the Trustee shall receive, for the benefit of the estate the sum of \$22,500.00 representing his commission under Section 326 of the Bankruptcy Code plus \$37,500.00 as additional consideration for the bankruptcy estate free and clear of all liens, claims and interests.

6. The Trustee is authorized to pay \$17,780.90 to his broker Century 21 New Millennium at closing for services rendered in representing the Trustee in connection with the sale.

7. The Trustee is authorized to pay \$14,312.50 to Keller Williams Realty at closing for services rendered in representing the Purchaser in connection with the sale.

8. The Trustee is authorized to pay all outstanding real estate taxes and other customary closing costs consistent with the ALTA.

9. The Trustee is authorized to pay Bala Jain, LLC the remaining net proceeds of sale

All of Lot Two Thousand, Fifty-Five (2055), Section Ten (10), Vienna Woods, as the same appears duly dedicated, platted and recorded in Deed Book 1741 at Page 322 of the land records of Fairfax County, Virginia.

Less and Except that portion of said lot conveyed to the Town of Vienna in Deed Book 1801 at Page 594 of the aforesaid county land records.

after all costs, consistent with the ALTA.

10. The Trustee is authorized to reimburse Auction Markets, LLC at closing in an amount not to exceed \$1,000.00 for any utility and property preservation expenses as needed.

11. The Trustee is authorized to request and receive all information concerning the liens and debt held by any secured creditor necessary to close on the sale including but not limited to the loan payoff balance, proof of lien perfection, hazard insurance coverage, escrow account balance and other information. Secured creditors are authorized and directed to promptly provide said information to the Trustee upon request of the Trustee, subject to the right of any secured creditor to oppose the request.

12. This Order may be recorded in the land records wherein the subject Property is located.

13. This Court retains jurisdiction with respect to any disputes regarding the Property following the sale.

14. This Order shall be effective immediately and shall not be subject to the stay provided in Federal Rule of Bankruptcy Procedure 6004(h) or any other applicable stay.

Dated: Aug 2 2024

/s/ Brian F Kenney
United States Bankruptcy Judge

PREPARED BY:

Entered On Docket: August 2, 2024

NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001
Tel: (202) 689-2800
Fax: (202) 689-2860
Email: dylan.trache@nelsonmullins.com

By: /s/ Dylan G. Trache
Dylan G. Trache, Va. Bar No. 45939

Counsel to the Chapter 7 Trustee

SEEN AND AGREED:

WOMBLE BOND DICKINSON (US) LLP
100 Light Street, 26th Floor
Baltimore, MD 21202
Telephone: (410) 545-5800
Facsimile: (410) 545-5801
Email: lisa.tancredi@wbd-us.com
Email: robert.hockenbury@wbd-us.com

By: /s/Lisa Bittle Tancredi (by DGT with authority)
Lisa Bittle Tancredi, Esq. (admitted pro hac vice)
Robert L. Hockenbury, Esq. (VA Bar 97675)

Counsel to Shore United Bank, N.A.

AND

MCNAMEE, HOSEA, P.A
6404 Ivy Lane, Suite 820
Greenbelt, MD 20770
Phone No.: (301) 441-2420
E-mail: jfasano@mhlawyers.com

BY: /s/ Justin P. Fasano (by DGT with authority)
Justin P. Fasano (Bar No. 75983)

Attorneys for Gus Goldsmith

SEEN:

ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176
Phone No. (703) 777-8850
Fax No: (703) 777-8854
E-mail: crogan@RMZLawFirm.com

BY: /s/Christopher L. Rogan (by DGT with authority)
Christopher L. Rogan (Bar No. 30344)

Attorneys for Bala Jain, LLC

CERTIFICATION PURSUANT TO LOCAL RULE 9022-1(C)

I HEREBY CERTIFY that this Order has been endorsed by all necessary parties.

/s/ Dylan G. Trache

Dylan G. Trache

LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY
PURSUANT TO LOCAL RULE 9022-1

Dylan G. Trache
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001

Michael Freeman
OFFICE OF THE UNITED STATES TRUSTEE
1725 Duke Street, Suite 650
Alexandria, Virginia 22314

Stephen Karbelk
Team Leader, RealMarkets
Century 21 New Millennium
Century 21 Commercial New Millennium
6629 Old Dominion Drive
McLean, VA 22101

Lisa Bittle Tancredi
WOMBLE BOND DICKINSON (US) LLP
100 Light Street, 26th Floor
Baltimore, MD 21202

Justin Fasano
MCNAMEE, HOSEA, P.A
6404 Ivy Lane, Suite 820
Greenbelt, MD 20770

Christopher Rogan
ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176

Exhibit A

EKKO TITLE
VA47703
410 Pine Street
Suite 220
Vienna, VA 22180
(703) 537-0800

File #:	V24-06-30	Property	1010 Lynn Street Southwest	Settlement Date	08/20/2024
Prepared:	07/29/2024		Vienna, VA 22180	Disbursement Date	08/20/2024
Escrow Officer:	Todd Condron		VIENNA WOODS PT LT		
			2055 SEC 10		
		Buyer	Katherine C. KOCZYK- SCRIPKA 4815 Marymead Drive Fairfax, VA 22030		
		Seller	H. Jason GOLD, Trustee PO Box 57359 Washington, DC 20037		
		Lender			

Seller		Buyer	
Debit	Credit	Debit	Credit
	Financial		
\$772,500.00	Sales Price of Property	\$772,500.00	
	Deposit		\$10,000.00
	Prorations/Adjustments		
\$216.97	City/Town Taxes 07/01/2024 to 08/20/2024		\$216.97
\$1,327.87	County Taxes 07/01/2024 to 08/20/2024		\$1,327.87
	Payoff(s)		
\$551,129.88	Payoff to Shore United Bank, N.A.		
	Principal : \$485,809.61		
	Additional Interest : \$34,781.92		
	Release : \$29,116.32		
	Late Charge : \$1,422.03		
\$100,000.00	Payoff to Gus Goldsmith		
	Principal : \$100,000.00		
\$8,033.20	Payoff to Bala Jain LLC		
	Principal : \$8,033.20		
	Government Recording and Transfer Charges		
	Recording Fees	\$47.00	
	---Deed: \$47.00		
\$422.00	Grantor Tax - County (Deed) to Fairfax County Recording Office		
\$422.00	Grantor Tax - State (Deed) to Fairfax County Recording Office		
	Recordation Tax - County (Deed) to Fairfax County Recording Office	\$703.00	
	Recordation Tax - State (Deed) to Fairfax County Recording Office	\$2,109.00	
\$843.60	Regional Congestion Relief Fee (Deed) to Fairfax County Recording Office		
\$843.60	Regional WMTA Fee (Deed) to Fairfax County Recording Office		
	Commission		
\$17,780.90	Listing Agent Commission to Century 21 New Millennium		
\$14,312.50	Selling Agent Commission to Keller Williams Realty		
	Title Charges & Escrow / Settlement Charges		
	Title - Buyer Binder Fee to EKKO TITLE	\$97.00	

Seller		Buyer	
Debit	Credit	Debit	Credit
	Title - Buyer Recording Service Fee to ZENZI TITLE SERVICES	\$50.00	
	Title - Buyer Settlement Fee to EKKO TITLE	\$697.00	
	Title - Buyer Title Search Fee to ZENZI TITLE SERVICES	\$197.00	
\$150.00	Title - Seller Deed Preparation Fee to Leggett, Simon, Freemeyers & Lyon, PLC		
\$417.00	Title - Seller Settlement Fee to EKKO TITLE		
	Title - Owner's Title Policy to Fidelity National Title Insurance Company	\$3,579.36	
	Miscellaneous		
\$4,886.56	1st Half 2024 Real Estate Taxes to Fairfax County Department of Taxation		
\$843.60	1st Half 2024 Town Real Estate Taxes to Town of Vienna		
\$10,516.98	2023 Delinquent Taxes to Fairfax County Department of Taxation		
\$353.34	2023 Delinquent Town Taxes to Town of Vienna		
\$22,500.00	326(a) Payment to Trustee to H. Jason GOLD, Trustee		
\$37,500.00	Bankruptcy Estate Payment to H. Jason GOLD, Trustee		
Seller		Buyer	
Debit	Credit	Debit	Credit
\$772,500.00	\$772,500.00	Subtotals	\$779,979.36
		Due from Buyer	\$11,544.84
\$0.00		Due to Seller	\$768,434.52
\$772,500.00	\$772,500.00	Totals	\$779,979.36
			\$779,979.36

In re:

Eagle Properties and Investments LLC

Debtor

Case No. 23-10566-KHK

Chapter 7

District/off: 0422-9

User: Elizabeth

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Date Rcvd: Aug 02, 2024

Form ID: pdford11

Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol Definition

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 04, 2024:

Recip ID	Recipient Name and Address
RE	<ul style="list-style-type: none"> + Lisa Bittle Tancredi, Womble Bond Dickinson (US) LLP, 100 Light Street, 26th Floor, Baltimore, MD 21202-1153 + Stephen Karbelk, Team Leader, RealMarkets, Century 21 New Millennium, 6629 Old Dominion Dr, McLean, VA 22101-4516

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	<ul style="list-style-type: none"> + Email/Text: ustpregion04.ax.ecf@usdoj.gov 	Aug 03 2024 00:03:00	UST smg Alexandria, Office of the U. S. Trustee, 1725 Duke Street, Suite 650, Alexandria, VA 22314-3489

TOTAL: 1

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 04, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 2, 2024 at the address(es) listed below:

Name	Email Address
Andrew S Goldstein	on behalf of Creditor GITSIT Solutions LLC AGoldstein@mglspc.com, jcoffman@mglspc.com
Barry W. Spear	on behalf of Creditor Aero Mortgage Loan Trust 2019- 1 Barry.Spear@bww-law.com bankruptcy@bww-law.com
Bradley J. Swallow	on behalf of Defendant Main Street Bank bswallow@fblaw.com

District/off: 0422-9

User: Elizabeth

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Date Recd: Aug 02, 2024

Form ID: pdford11

Total Noticed: 3

Christian K. Vogel

on behalf of Interested Party Primis Bank kvogel@vogelandcromwell.com

Christian K. Vogel

on behalf of Defendant Primis Bank f/k/a Sona Bank kvogel@vogelandcromwell.com

Christopher A. Jones

on behalf of Debtor Eagle Properties and Investments LLC cajones@whitefordlaw.com
clano@whitefordlaw.com,dchaney@whitefordlaw.com

Christopher L. Rogan

on behalf of Defendant Shail Butani crogan@rmzlawfirm.com

Christopher L. Rogan

on behalf of Creditor Bala Jain LLC crogan@rmzlawfirm.com

Christopher L. Rogan

on behalf of Defendant Ishwer Butani crogan@rmzlawfirm.com

Christopher L. Rogan

on behalf of Defendant Bala Jain LLC crogan@rmzlawfirm.com

Corey Simpson Booker

on behalf of Creditor Atlantic Union Bank corey.booker@atlanticunionbank.com

Craig M. Palik

on behalf of Creditor Trinity Universal Insurance Company cpalik@mhlawyers.com
cpalik@yahoo.com;dmoorehead@mhlawyers.com;cpalik@ecf.inforuptcy.com;kmadden@mhlawyers.com;mnickerson@mhlawye
rs.com

David S. Musgrave

on behalf of Creditor Fulton Bank N.A. dmusgrave@gfrlaw.com, vhilbun@gfrlaw.com

David S. Musgrave

on behalf of Defendant Fulton Financial Corporation dmusgrave@gfrlaw.com vhilbun@gfrlaw.com

Dylan G. Trache

on behalf of Trustee H. Jason Gold dylan.trache@nelsonmullins.com
linnea.hann@nelsonmullins.com;alexandria.tracy@nelsonmullins.com;mari.cooper@nelsonmullins.com

Elizabeth Husebo

on behalf of Defendant Daniel J. Kotz ehusebo@grsm.com

Elizabeth Husebo

on behalf of Defendant First Class Title Inc. ehusebo@grsm.com

Erik W. Fox

on behalf of Creditor Vienna Oaks Office Center Condominium efox@reesbroome.com
rhurley@reesbroome.com;rchambers@reesbroome.com;pgoodwine@reesbroome.com

Gerard R. Vetter

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H. Jason Gold

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Hannah White Hutman

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scurtis@hooverpenrod.com;hooverpenrodplc@jubileebk.net

J. P. McGuire Boyd, Jr

on behalf of Defendant Atlantic Union Bank mboyd@williamsullen.com

J. P. McGuire Boyd, Jr

on behalf of Creditor Atlantic Union Bank mboyd@williamsullen.com

J. P. McGuire Boyd, Jr

on behalf of Defendant Bank of Clarke County mboyd@williamsullen.com

Jack Frankel

on behalf of U.S. Trustee Gerard R. Vetter jack.i.frankel@usdoj.gov
USTPRegion04.ax.ecf@usdoj.gov;Robert.W.Ours@usdoj.gov

James R. Meizanis, Jr.

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James R. Meizanis, Jr.

on behalf of Creditor Virginia Partners Bank jmeizanis@bklawva.com jroot@bklawva.com;mnoble@bklawva.com

Jeffery T. Martin, Jr.

on behalf of Debtor Eagle Properties and Investments LLC jeff@martinlawgroupva.com
martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

District/off: 0422-9

User: Elizabeth

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Date Rcvd: Aug 02, 2024

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Jeffery T. Martin, Jr.

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martin.jefferyt.b119228@notify.bestcase.com;brittany@martinlawgroupva.com

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Jeremy B. Root

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tjones@bklawva.com;mnoble@bklawva.com;wcasterlinejr@bklawva.com;jmeizanis@bklawva.com

John E Reid

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Joshua David Stiff

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Justin Fasano

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jfasanoecf@gmail.com;jfasano@ecf.courtdrive.com;sshin@mhlawyers.com;dmoorehead@mhlawyers.com

Lee S Raphael

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Maurice Belmont VerStandig

on behalf of Professional Maurice VerStandig mac@mbvesq.com
lisa@mbvesq.com;verstandig.mauricer104982@notify.bestcase.com;verstandiglaw@recap.email

Nancy Greene

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Nancy Greene

on behalf of Plaintiff Eagle Properties and Investments LLC ndg@ndglaw.com

Nancy Greene

on behalf of Professional N D Greene PC ndg@ndglaw.com

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sharron.fay@troutmansanders.com;natalya.diamond@troutman.com

Robert Hockenbury

on behalf of Creditor Shore United Bank robert.hockenbury@wbd-us.com

Robert M. Marino

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Robert M. Marino

on behalf of Defendant Ishwer Butani rmmarino@rpb-law.com rmmarino1@aol.com

Robert M. Marino

on behalf of Creditor Bala Jain LLC rmmarino@rpb-law.com rmmarino1@aol.com

Stephanie Gardner Bortnick

on behalf of Defendant Daniel Kotz sbortnick@grsm.com

Stephanie Gardner Bortnick

on behalf of Defendant Daniel J. Kotz sbortnick@grsm.com

Stephanie Gardner Bortnick

on behalf of Defendant First Class Title Inc. sbortnick@grsm.com

Stephen W. Nichols

on behalf of Creditor Orrstown Bank snichols@offitkurman.com

TOTAL: 49